

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOHN EDWARDS,

Case No. 18-CV-3391 (DSD/TNL)

Plaintiff,

v.

REPORT AND RECOMMENDATION

MCLEOD COUNTY JAIL,

Defendant.

In an order dated January 4, 2019, this Court ordered plaintiff John Edwards to pay an initial partial filing fee of \$30.00 within 20 days, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* ECF No. 3 (citing Fed. R. Civ. P. 41(b)). That deadline has now passed, and Edwards has not paid the required initial partial filing fee. In fact, Edwards has not communicated with the Court about this case at all since commencing this action.¹ Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure

¹ This Court’s order was returned as undeliverable when sent to the jail where Edwards resided when he initiated this action. *See* ECF No. 4. Thus, it is not clear that Edwards is aware of his obligation to pay an initial partial filing fee. The Court has no other information regarding where or how to contact Edwards, and the responsibility ultimately rests with Edwards to provide updated contact information when necessary.

to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: February 4, 2019

s/Tony N. Leung

Tony N. Leung

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).